

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**SB 2316 – HB 2464**

February 20, 2018

**SUMMARY OF ORIGINAL BILL:** Authorizes a convicted felon to possess a handgun if the person has been pardoned, had the conviction expunged, or had the person's rights restored.

Limits unlawful possession of a firearm to persons convicted of a felony crime of violence or a felony involving a deadly weapon, rather than a felony involving the use of force, violence, or a deadly weapon.

Authorizes current or former members of the Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, or Coast Guard Reserve to apply for a handgun carry permit if the person is over 18 years of age and has successfully completed basic training.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Revenue – Exceeds \$5,300/TBI  
Exceeds \$15,200/Handgun Permit Division

Decrease State Expenditures – \$165,900 Incarceration

Increase Local Revenue – Exceeds \$1,500/Sheriffs

**SUMMARY OF AMENDMENT (013221):** Deletes all language after the enacting clause.

Redefines "crime of violence" in Tenn. Code Ann. § 39-17-1301 to include 12 additional felonies.

Clarifies that unlawful possession of a firearm includes those who have been convicted of an attempt to commit a felony crime of violence and that those who have been convicted of an attempt to commit a felony crime of violence are prohibited from obtaining a handgun carry permit, even if they have had their rights of citizenship duly restored.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

Unchanged from the original fiscal note.

**SB 2316 – HB 2464**

Assumptions for the bill as amended:

- The proposed legislation narrows the offense of unlawful possession of a firearm by allowing persons convicted of felony involving the use of force to legally possess a firearm, but also broadens the offense by broadening the definition of “crime of violence” under Tenn. Code Ann. § 39-17-1301.
- Statistics from the Department of Correction (DOC) show an average of 40 admissions per year under Tenn. Code Ann. § 39-17-1307 for unlawful possession of a firearm.
- The proposed legislation will result in one fewer admission per year.
- An offense under Tenn. Code Ann. § 39-17-1307(b)(1)(A) is a class B felony.
- The average time served for a class B felony is 6.39 years (2,333.95 days).
- According to the DOC, the average operating cost per offender per day for calendar year 2018 is \$71.08.
- The proposed legislation will decrease state incarceration costs by \$165,897 (\$71.08 x 2,333.95 days).
- The proposed legislation broadens the definition of “crime of violence” under Tenn. Code Ann. § 39-17-1301 to include 12 additional felonies. The current definition includes 10 felonies. As a result, more persons will be unable to lawfully possess a firearm under Tenn. Code Ann. § 39-17-1307(b)(1)(A).
- Tenn. Code Ann. § 39-17-1301(3) provides, “‘Crime of violence’ includes any degree of murder, voluntary manslaughter, aggravated rape, rape, especially aggravated robbery, aggravated robbery, burglary, aggravated assault or aggravated kidnapping.” However, the Tennessee Supreme Court has held that when a statutory definition provides that it “includes” specific terms, these items are illustrative and not exclusive.
- The specific offenses added to the definition of “crime of violence” all involve the use of force or violence. Therefore, the broadening of the definition will not impact state incarceration costs.
- The proposed legislation authorizes convicted felons to receive a handgun carry permit if they have been pardoned, have had the conviction expunged, or have had their rights restored. The proposed legislation also authorizes person over 18 years of age to receive a handgun carry permit if they are a current or former member of the National Guard or an armed forces reservist.
- The proposed legislation will increase the number of handgun carry permits each year. At least 100 additional handgun permits will be applied for and issued each year.
- An applicant for an initial lifetime handgun carry permit must pay a \$200 fee in addition to the \$100 general application fee applicable to standard handgun carry permits.
- It is assumed 60 percent (or 60 applicants) will choose to get an initial lifetime carry permit. It is assumed 40 percent (40 applicants) will choose to get a standard handgun carry permit.
- The \$200 fee remains with the Handgun Permit Division of the Department of Safety.
- The \$100 fee is distributed as follows:
  - TBI – \$15 for their Automated Fingerprint Identification System (AFIS); \$38 to run a background check, for a total of \$53;
  - Local Sheriff – \$15 to run a background check; and

- Department of Safety – \$32 to the Handgun Permit Division.
- The bill will increase recurring state and local revenue by at least the following amounts:
  - TBI – \$5,300 (\$53 x 100 petitioners);
  - Sheriffs – \$1,500 (\$15 x 100 petitioners); and
  - Handgun Permit Division – \$15,200 [(\$232 x 60 petitioners) + (\$32 x 40 petitioners)].

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm